

REMARKS

Amendments to the claims

Claims 1, 6, 13-15 and 20 are amended to recite a scope of the compound of formula (I) deemed allowable by the Examiner. Claims 2, 7-11 and 29 are canceled as having become duplicative of other pending claims. Claims 5, 22 and 24-28 are canceled as no longer further limiting the claims from which they depend. Claim 12 is amended to depend from a pending claim. Claim 16 is amended to add dependence from claim 15 as well as claim 14, and claim 21 is amended to remove an embodiment. New claims 30-35 are directed to preferred embodiments of the invention.

No amendment adds new matter to the application.

Restriction

The Examiner has examined claims directed to compounds of the invention in addition to the elected Group VI claims, directed to methods, and finds a certain group of compounds represented by the prior claim 29 allowable. The additional effort by the Examiner is much appreciated.

The present claims 14 and 15, and claims dependent thereon, represent the subject matter of non-elected groups XII and XVIII. Applicants submit that the present application is a National Stage application of a PCT application, and as the Examiner has determined that the presently recited compound of formula (I) is allowable over the prior art, these additional claims should be included in the examination of the present application pursuant to Rule 13.1. That is, the presently recited compound of the formula (I) represents a special technical feature that unifies the present claims.

Rejection under 35 USC § 112, first paragraph

Claims 7 and 13 are rejected under 35 USC § 112, first paragraph, for alleged lack of enabling support by the specification of the full scope of the claims. The Examiner argues that the specification does not enable practice of the claimed method with “any compound encompassed by the catch-all group VI.” By this Applicants understand that the Examiner means that he does not believe that every compound within the scope of the original claims 7 and 13 would exhibit the asserted utility.

While Applicants do not agree with this assertion, the claims presently recite a much narrower scope with respect to the compound employed in the method. Applicants submit that the specification is fully enabling of the present scope of claims 7 and 13 and so the instant rejection should be withdrawn.

Rejection over prior art

Claims 1-4, 11 and 21 are rejected under 35 USC § 102(b) as anticipated by Hrib ‘923. The claims are amended herein to recite subject matter deemed allowable by the Examiner, thus rendering this rejection moot.

Objections to the claims

Claims 1-4, 11-13, 20-21 and 25 are objected to as including non-elected subject matter. These claims are amended or canceled in a manner that obviates this objection.

Applicants submit that the present claims are free of the prior art and are well-described by the specification. Withdrawal of the present rejections and allowance of the application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D. (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 18, 2008

Respectfully submitted,

By 
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